

HUMAN SERVICES BOARD

In re) Fair Hearing No. R-10/10-506
)
 Appeal of)

The petitioner appeals the decision of the Department for Children and Families, Economic Services, Health Access Eligibility Unit (HAEU) terminating her children's eligibility for Dr. Dynasaur medical coverage. The issue is whether the petitioner's household income exceeds the program maximum. The following facts are not in dispute and are based on the representations of the parties at a hearing held on November 9, 2010.

1. The petitioner and her husband have two minor children. For some months prior to October 2010 the petitioner was unemployed. Based on the family's income her children received Medicaid coverage through the Dr. Dynasaur program. In October 2010 the petitioner resumed working and reported this additional income to the Department.

2. On October 18, 2010 the Department notified her that her children were no longer eligible for Dr. Dynasaur, effective as of the end of that month.

3. There is no dispute that the family's countable income as of the end of October is \$5,773.69 a month, which places them slightly over the Dr. Dynasaur maximum of \$5,538 (300 percent of Federal Poverty Level [FPL]). Based on this income, the Department determined that each child would have to incur a spenddown of \$6,785 in medical expenses for the six-month period beginning November 1, 2010 before they could become eligible for Medicaid.

4. One of the petitioner's children has extraordinary medical needs. The petitioner has applied for Katie Beckett benefits for this child.¹ At the hearing in this matter the petitioner was advised that she can also reapply for Dr. Dynasaur for both children if her family's income drops below the eligibility threshold, and that there is no prohibition in the regulations on a voluntary reduction in income to become eligible.

ORAER

The decision of the Department is affirmed.

REASONS

As noted above, the maximum allowable income for Dr. Dynasaur is 300 percent FPL. W.A.M. § 5222, Procedures Manual § P-2420B. The petitioner does not dispute that her and her husband's combined income from employment is now slightly over this amount. Inasmuch as there is no dispute that the Department accurately determined the petitioner's income in accord with the pertinent regulations, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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¹ The petitioner was advised that she has a separate right of appeal if this application is denied.